

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID SCOTT,)	Case No. _____
)	
Plaintiff,)	District Court of Douglas County
)	Case No. CI 15-2900
vs.)	
)	NOTICE OF REMOVAL
MENARD, INC., a Corporation,)	
)	
Defendant.)	

Defendant, Menard, Inc., through counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes Case No. CI 15-2900 from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska.

GROUND FOR REMOVAL

1. On or about April 1, 2015, Plaintiff David Scott filed a Complaint in the District Court of Douglas County, Nebraska, styled *David Scott v. Menard, Inc.*, Case No. CI 15-2900. Defendant was served with Summons and a copy of the Complaint on April 6, 2015.

2. The Complaint alleges one cause of action for negligence against Defendant.

3. This Court has diversity jurisdiction over this case, pursuant to 28 U.S.C. § 1332(a), because the case is between citizens of different states and the amount in controversy exceeds \$75,000.00.

4. Defendant is entitled to remove this action to the United States District Court for the District of Nebraska pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332(c)(1), as Plaintiff is a

citizen of Nebraska and Defendant is a citizen of Wisconsin, as it is incorporated in Wisconsin, where it has its principle place of business.

5. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is filed within thirty (30) days after receipt by Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action is based. Defendant was served on or about April 6, 2015. *See* Exhibit 1.

6. Copies of all pleadings, motions, process, and orders served upon Defendant or received otherwise in the action are attached as Exhibit 1 in accordance with 28 U.S.C. § 1446(a).

7. Promptly upon filing this Notice of Removal, Defendant will give notice in writing thereof to Plaintiff and will file a copy of this Notice of Removal with the Clerk of the District Court of Douglas County, Nebraska.

WHEREFORE, Defendant, Menard, Inc., hereby gives notice of the removal of the above-captioned action from the District Court of Douglas County, Nebraska, to this Court.

Submitted April 17, 2015.

MENARD, INC., a Corporation, Defendant,

By: s/ Mary M. Schott
Mary M. Schott, #21832
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Attorney for Defendant Menard, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 17th day of April, 2015, the above and foregoing document was filed with the Clerk of the United States District Court using the CM/ECF system, and a true and correct copy of the same was sent by electronic transmission to the following:

Francis Younes
High & Younes, LLC
661 N. 50th Street
Omaha, NE 68132
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Attorney for Plaintiff

s/ Mary M. Schott

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